

IN THE CHANCERY COURT FOR BRADLEY COUNTY, TENNESSEE

WILLIAM V. BRUNER, )  
Petitioner, )  
v. )  
LIBERTY LIFE ASSURANCE )  
COMPANY of BOSTON, and )  
MAYTAG CORPORATION )  
Respondents. )

No.: 2010-CV-114

2010-CV-114  
FILED  
CLERK  
APR 12 2010  
11:17 AM  
CLERK'S OFFICE

PETITION FOR JUDICIAL REVIEW OF DENIAL OF LONG-TERM DISABILITY  
BENEFITS PURSUANT TO 29 U.S.C.S. § 1001 ET SEQ.

COMES the Petitioner, William V. Bruner, through counsel, pursuant to the Employee Retirement Income Security Act, 29 U.S.C.S. § 1001 et seq., and hereby petitions this Honorable Court for judicial review of Respondents' decision to deny Petitioner's long-term disability benefits, and for grounds would show this Court the following:

I

Petitioner William V. Bruner is a citizen and resident of the State of Tennessee, residing at 372 Millcreek Trail, Cleveland, Tennessee 37323.

II

At all relevant times herein, Petitioner was a beneficiary of a long-term disability insurance policy administered by Respondent Maytag Corporation and issued by Respondent Liberty Life Assurance Company of Boston.

III

Petitioner suffers from chronic pain syndrome, fibromyalgia, colon cancer, chronic osteoarthritis, Bell's palsy, hypertension, diabetes and lumbar spine pain and is unable to engage

in gainful employment. At all times material herein, Petitioner was covered under the long-term disability insurance policy administered by Respondent Maytag Corporation and issued by Respondent Liberty Life Assurance Company of Boston

IV

On March 4, 2010, Respondents Liberty Life Assurance Company of Boston and the Maytag Corporation denied Petitioner's application for long-term disability benefits. Petitioner remains disabled to this date and is not able to engage in gainful employment. Respondents' denial of Petitioner's long-term disability benefits was arbitrary and capricious and breached the terms of the long-term disability insurance policy administered by the Maytag Corporation and issued by Respondent Liberty Life Assurance Company of Boston.

V

Judicial review of this matter is appropriate in that Petitioner has exhausted his administrative remedies.

WHEREFORE, Petitioner respectfully requests that this Court reverse Respondents' decision denying Petitioner long-term disability benefits.

This 8 day of April, 2010.

  
Harold C. Wimberly (BPR#021760)  
Attorneys for Petitioner  
6759 Baum Dr.  
Knoxville, TN 37919  
(865) 588-7465

**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing Petition and Summons have this date been forwarded to the clerk for filing simultaneously with the issuance of Summons.

This 8 day of April, 2010.

  
Harold C. Wimberly (BPR#021760)

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No.: 2010-CV-114

2010 APR 12 FILED: 17  
CLERK'S OFFICE  
BRADLEY COUNTY CHANCERY COURT

COST BOND

I, William V. Bruner as principal, and Harold C. Wimberly as Surety, are held firmly bound unto the Chancery Court of Bradley County, Tennessee for the payment of all costs awarded against the principal. To that end, we bind ourselves, our heirs, executors and administrators.

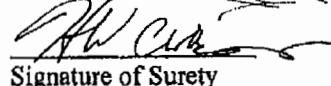
The Principal is commencing legal proceedings in the Chancery Court of Bradley County, Tennessee. If the Principal shall pay costs which are adjudged against them then this obligation is void. If the Principal fails to pay then the surety shall undertake to pay all costs adjudged against the Principal. Mandated at T.C.A. 20-12-120 et seq.

PRINCIPAL(S)

William V. Bruner  
Principal

372 Millcreek Trail,  
Cleveland, TN 37323  
Address

Harold C. Wimberly  
Surety

  
Signature of Surety

SURETY

Received

APR 20 2010

CLC-SKL, Mpt.



State of Tennessee  
Department of State  
Division of Business Services  
312 Rosa L Parks Ave  
6th Floor Wm. R. Snodgrass Tower  
Nashville, Tennessee 37243

4/16/2010  
Date

70090960000114700653  
Certified Number

File No: 2010-CV-114

Company: LIBERTY LIFE ASSURANCE COMPANY OF BOSTON

Name:

Agent/POE:

Address: 175 BERKELEY ST  
BOSTON, MA 02117

Country:

RE: WILLIAM V BRUNER

VS: LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, AND MAYTAG  
CORPORATION

Notice of Service

The enclosed summons and attachments are hereby officially served upon you by the Office of the Tennessee Secretary of State pursuant to Tennessee Law. Please refer to the summons and attachments for details concerning the lawsuit filed against you. If you have any questions, please contact the clerk of the court which issued the summons. You can obtain the court's telephone number by calling Information (area code) 655-1212. The name of the court and county where the court is located will be on the attached summons.

The summons will either tell you a court date and time at which you must appear to defend yourself or tell you the number of days from the day you are served within which you must file an answer upon the plaintiff's attorney. Failure to appear in court at the time specified or failure to answer the summons within the given time could result in a judgement by default being rendered against you for relief sought in the lawsuit.

The Secretary of State's Office cannot give you legal advice. If you need legal advice, please consult a private attorney.

Sincerely,

Tre Hargett  
Secretary of State

enclosures

Initial: MMH

CC: [redacted]

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Petitioner, )  
v. )  
LIBERTY LIFE ASSURANCE )  
COMPANY of BOSTON, and )  
MAYTAG CORPORATION )  
Respondents. )

No.: 2010-CV-111

290 APR 15 AM 8:35  
SHERIFF OF STATE  
CLERK OF COURT

S U M M O N S

TO: Liberty Life Assurance Company of Boston  
Serve with process through the office of the  
Secretary of the State of Tennessee at its agent  
for service of process located at:

Liberty Life Assurance Company of Boston  
175 Berkeley Street  
Boston, MA, 02117

You are hereby summoned and required to serve upon Harold C. Wimberly,  
Attorney at Law, petitioner's attorney, whose address is: 6759 Baum Drive, Knoxville,  
Tennessee 37919, a true copy of the answer to the Petition which is herewith served upon  
you, within 30 days after service of this summons upon you, exclusive of the day of  
service. You will file the original with the Court.

If you fail to do so, judgment by default will be taken against you for the relief  
demanded in the complaint.

Issued this 12 day of April 2010 at 11:20 o'clock A.M. Witness CARL  
SHREWSBURY, Clerk of said Court, at office the 12 in April  
A.D., 2010.

Carl Shrewsbury  
CARL SHREWSBURY, Clerk  
BY: Holly Thompson  
DEPUTY CLERK

(this summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure)

NOTICETO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family, trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Received this \_\_\_\_\_ day of \_\_\_\_\_, 2010. \_\_\_\_\_ Deputy Sheriff

RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 I served this summons together with the complaint as follows:

failed to serve this summons within 30 days after its issuance because \_\_\_\_\_.

Sheriff-Deputy Sheriff